

## Message Text

CONFIDENTIAL

PAGE 01 SYDNEY 00681 01 OF 02 030832Z

11

ACTION DLOS-06

INFO OCT-01 EA-11 IO-14 ISO-00 L-03 COA-02 EB-11 OIC-04

CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00 NSC-07

PA-04 RSC-01 PRS-01 SP-03 SS-20 USIA-15 ACDA-19 AEC-11

AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08 JUSE-00

NSF-04 OMB-01 CEQ-02 EPA-04 SCI-06 DRC-01 /203 W

----- 062601

R 030641Z APR 74

FM AMCONSUL SYDNEY

TO SECSTATE WASHDC 5310

INFO AMEMBASSY CANBERRA

AMEMBASSY JAKARTA

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 SYDNEY 681

FROM OXMAN

E.O. 11652: GDS

TAGS: PBOR, AS

SUBJ: LOS

1. CONSULTATIONS CONTINUED MORNING APRIL 2 WITH GILCHRIST, BAILEY, AND GRAY.

2. BAILEY INFORMED US THAT U.S. APPROACH ON ARCHIPELAGO REGIME ACCEPTABLE TO AUSTRALIA, BUT HE WOULD BE SURPRISED IF INDONESIA COULD ACCEPT IT AND GOA WOULD NOT PRESSURE INDONESIA. GRAY OUTLINED PROPOSAL CURRENTLY BEING DEVELOPED BY GOA. CONFIDENTIAL NATURE OF THIS PRESENTATION TO US STRONGLY PRESSED BY GOA, AND OXMAN ASSURED THEM WE WOULD NOT DISCUSS IT WITH OTHERS. ON DEFINITION, "NORMAL" 24-MILE LINES COULD BE DRAWN CONNECTING ISLANDS. IN ADDITION, LONGER LINES COULD BE DRAWN, PROVIDED TOTAL LENGTH OF LONGER LINES DID NOT EXCEED TOTAL LENGTH OF "NORMAL" LINES  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SYDNEY 00681 01 OF 02 030832Z

24 MILES OR LESS IN LENGTH. (THIS WOULD NOT INCLUDE ALL

INDONESIAN ISLANDS.) ON NAVIGATION, GOA WAS THINKING OF NARROWER CORRIDORS THAN U.S. TRANSIT AREAS, PERHAPS 25 MILES. PRIME MINISTER HAD STATED GOA VIEW ON SUBMERGED TRANSIT, BUT GOA WOULD NOT ATTEMPT TO PREVENT AGREEMENT THAT INCLUDES SUBMERGED TRANSIT.

3. GOA PLANNING CONSULTATIONS WITH INDONESIA AND OTHERS (ESPECIALLY PHILIPPINES) IN ABOUT A MONTH, AS THEY WANT TO KNOW RESULTS BEFORE INTERNAL SUBMISSION TO MINISTERS IN LATE MAY. OXMAN STRESSED PROBLEM IF GOI PRESENTED WITH DIFFERENT PROPOSAL. BAILEY DID NOT EXCLUDE GOA CONSULTATIONS ON BASIS U.S. PROPOSALS. AFTER DIFFICULT EXCHANGE ON PROBLEMS, FOLLOWING TWO POINTS AGREED:

(A) US AND GOA WOULD EXCHANGE PAPERS ON STRICTLY CONFIDENTIAL BASIS DESCRIBING THEIR IDEAS. US WOULD NOT REPEAT NOT INDICATE TO OTHERS IT HAD RECEIVED GOA PROPOSALS. (DEPT MAY WISH INITIATE EXCHANGE BEFORE OXMAN RETURNS, TO LAY FOUNDATION FOR EARLY ACTION ON (B) AFTER WE HAVE STUDIED GOA PAPER.)

(B) US AND GOA WILL CONSIDER FURTHER PROBLEM OF GOA CONTACTS WITH INDONESIA AND PHILIPPINES, BOTH AS TO TIMING AND SUBSTANCE. US WILL BE IN TOUCH WITH GOA NEXT WEEK THROUGH AMEMBASSY CANBERRA. (STRONGLY RECOMMEND NO ACTION BE TAKEN UNTIL EXCHANGE UNDER (A) COMPLETED, AS THIS MAY WEAKEN INFLUENCE OF THOSE IN GOA ARGUING THAT US IS TRYING TO BE HELPFUL AND IS NOT BEING HIGH-HANDED.)

4. DURING BRIEF MOMENT ALONE TOGETHER, GRAY TOLD OXMAN THE BEST HE COULD DO WAS TRY TO KEEP DAMAGE TO A MINIMUM.

5. GOA MEETING WITH PAPUA-NEW GUINEA REPS ON LOS THIS WEEK. THEY ASKED IF DR. HODGSON COULD LOOK AT PAPUA-NEW GUINEA SITUATION.

6. OXMAN TOOK OCCASION OF PRIVATE INTERVIEW WITH SMITH AND LUNCHEON WITH GERARD BRENNAN OF JUSTICE TO NOTE HIS DISMAY AT COURSE OF CONVERSATIONS, AND APPARENT GOA TENDENCY TO TREAT ALMOST ALL NAVIGATIONAL ISSUES ON BASIS BILATERAL CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SYDNEY 00681 01 OF 02 030832Z

POLITICAL CONSIDERATIONS.

7. ON FISHERIES, THERE WAS A DISCERNIBLE TENDENCY TO SHIFT FROM AUSTRALIA-NEW ZEALAND PAPER (L. 11) TO CANADA PROPOSAL (L.38). WE STRONGLY URGED THAT GOA NOT DO THIS, AS L.11 PROVIDED THE MOST PROMISING BASIS FOR COMPROMISE. BAILEY LATER TOLD US THAT SUSLOV, CURRENTLY ON VISIT FROM USSR, TOLD GOA SAME DAY THAT L.11 WAS TYPE OF FISHERIES' SETTLEMENT

USSR LOOKING FOR AS PART OF OVERALL LOS PACKAGE. BRENNAN SAID GOA WILL NOT PRESS FOR COASTAL SPECIES JURISDICTION BEYOND 200 MILES, BUT SOME "SPECIAL INTEREST" MIGHT BE NEGOTIABLE. WE DISCUSSED POSSIBLE PROVISION THAT FISHING BEYOND ZONE CANNOT HAVE EFFECT OF UPSETTING COASTAL STATE CONSERVATION AND ALLOCATION MEASURES WITHIN ZONE - IN ESSENCE THE APPROACH OF THE FIRST US FISHERIES PROPOSAL. BAN ON SALMON FISHING BEYOND ZONE ALSO DISCUSSED AS POSSIBLE ALTERNATIVE ON SALMON PROBLEM.

8. AFTERNOON MEETING WTH ENTIRE INTER-MINISTERIAL LOS COMMITTEE WAS A GENERAL TOUR D'HORIZON. AS PREVIOUSLY ARRANGED, ARCHIPELAGOS NOT DISCUSSED AT THAT MEETING, AND OUR OUTLINE OF US VIEWS ON STRAITS WAS NOT CHALLENGED BY DFA REPS. US APPROACH ON ALL MAJOR ITEMS OUTLINED.

9. POLLUTION:

TENDENCY TO DISTINGUISH BETWEEN DISCHARGE AND CONSTRUCTION STANDARDS ON VESSEL POLLUTION DISCERNIBLE, AND WE ARGUED STRONGLY AGAINST COASTAL STATE CONSTRUCTION STANDARDS OR ENFORCEMENT OF SUCH STANDARDS. THERE WAS STRONG HINT AT MEETING THAT GOA WOULD EXPECT US TO JOIN CANADA AND AUSTRALIA IN PUSH FOR UNIVERSAL PORT STATE ENFORCEMENT JURISDICTION AS PART OF AN ACCOMMODATION. IMPRESSION WAS THAT IS US PREPARED KEEP IMCO "PRO-ENVIRONMENT" GROUP ALIVE AT LOS, NAVIGATION CONCERNS CAN BE ACCOMMODATED. WHEN ASKED IF WE WOULD BE MORE RELAXED ABOUT COASTAL STATE DISCHARGE AUTHORITY, OXMAN SAID THAT PERSONALLY HE WAS FEWER PROBLEMS WITH COASTAL STATE ENFORCEMENT OF INTERNATIONAL DISCHARGE STANDARDS IN A NARROW ZONE OF PERHAPS 50 MILES IN CONTEXT SATISFACTORY RESOLUTION OF CONSTRUCTION PROBLEM, BUT NO DECISION MADE ON THIS. GOA NOTED US HAD SUPPORTED 100

CONFIDENTIAL

PAGE 04 SYDNEY 00681 01 OF 02 030832Z

MILE NO-DISCHARGE ZONE AT IMCO. THERE WAS VERY PRODUCTIVE DISCUSSION ON SAFEGUARDS IN CONNECTION WITH PORT STATE AND CAOSTAL STATE ENFORCEMENT AND GOA CONSIDERING BONDING PROCEDURES, PROHIBITION ON IMPRISONMENT, AND COMPULSORY DISPUTE STTTLEMENT. (TRANSPORT REP TOLD OXMAN PRIVATELY AFTER MEETING THAT THIS DISCUSSION MAY WELL HAVE TIPPED THE BALANCE IN INTERNAL GOA STRUGGLE ON CONSTRUCTION ISSUE, IF

E E E E E E E

ADP000  
CONFIDENTIAL

PAGE 01 SYDNEY 00681 02 OF 02 030846Z

11

ACTION DLOS-06

INFO OCT-01 EA-11 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 USIA-15 COA-02 EB-11 OIC-04 ACDA-19 AEC-11

AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08 JUSE-00

NSF-04 OMB-01 CEQ-02 EPA-04 SCI-06 DRC-01 /203 W

----- 062832

R 030641Z APR 74

FM AMCONSUL SYDNEY

TO SECSTATE WASHDC 5311

INFO AMEMBASSY CANBERRA

AMEMBASSY JAKARTA

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 2 OF 2 SYDNEY 681

11. FISHERIES:

WE URGED GOA NOT MOVE FROM L.11, AND EXPLAINED PROBLEMS FOR COASTAL STATES LIKE US AND AUSTRALIA IF JURISDICTION SO EXTENSIVE THAT USSR AND JAPAN CANNOT AGREE. CASE ON ANADROMOUS AND HIGHLY MIGRATORY SPECIES EXPLAINED. DFA REPS SEEMED IMPRESSED BY "FOOD CRISIS" EXPLANATION OFR FULL UTILIZATION OBLIGATION.

12. RESEARCH:

AFTER LENGTHY EXPOSITION OF US APPROACH AND EXCHANGE WITH GOA MINING OFFICIALS, WE SAID US INTERIOR DEPARTMENT SATISFIED THAT US RESEARCH PROPOSAL FULLY PROTECTS ECONOMIC INTERESTS IN CONTINENTAL SHELF. THERE MAY BE ATTEMPT CONFIRM THIS, AND INITIATIVE BY INTERIOR MIGHT BE HELPFUL.)

13. DEEP SEABEDS:

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SYDNEY 00681 02 OF 02 030846Z

NOTING LESSONS LEARNED FROM ENERGY CRISIS, WE SAID US COULD NOT RATIONALLY DECIDE TO PERMIT ITSELF TO BE BURNED AGAIN, AND WOULD BE MOVING TO THE RIGHT ON DEEP SEABEDS. NON-DISCRETIONARY ACCESS, NARROWLY DEFINED DECISION-MAKING PROCESS, AND ADEQUATE VOTING ARRANGEMENTS ESSENTIAL. ADMINISTRATION TESTIMONY ON NEW DEEP SEABED MINING BILL EXPLAINED, WITH STRESS LOAD ON JAN. 1, 1976 DEADLINE. (QUESTIONS REFLECTED CONSIDERABLE IDEOLOGICAL COMMITMENT TO COMMON HERITAGE

PRINCIPLE, AND SUGGEST THAT WE TAKE CARE TO REPEAT OUR COMMITMENT TO PRINCIPLE AND STRESS BENEFITS TO DEVELOPING COUNTRIES IN EXPLAINING OUR VIEWS. THERE SEEMS TO BE TENDENCY FOR GOA TO SEE DEEP SEABEDS AS MIRROR IMAGE OF WHAT IT WOULD LIKE TO DO NATIONALLY.)

14. DISPUTE SETTLEMENT:

DURING LONG PRIVATE CONVERSATIONW WITH BRENNAN, HE EXPRESSED SYMPATHY FOR US VIEW ON EXCLUDING WARSHIPS, ETC., BUT STRONGLY URGED THAT US NOT REPEAT NOT PROPOSE IT ITSELF, AS THIS WOULD UNDERCUT ITS EFFECTIVENESS ON DISPUTE SETTLEMENT GENERALLY. HE SUGGESTED WE TRY TO GET SOVIETS TO PROPSOE IT.

15. COMMENT:

THERE ARE SIGNS OF CONSIDERABLE DISAGREEMENTS IN GOA ON MANY ISSUES, AND THAT THESE ARE RELATED TO GENERAL FOREIGN POLICY PROBLEMS. SOME REGARD RALPH HARRY AS CONSERVATIVE, AND NOT AS "LIBERATED" FROM US INFLUENCE AS ALAN BEASLEY. CANBERRA DID NOTHING TO SUPPORT HARRY'S CANDIDACY FOR DRAFTING COMMITTEE IN CAPITALS DESPITE KNOWLEDGE OF CANADIAN ACTIVITY. RIVALRY BETWEEN LAWYERS IN FOREIGN MINISTRY AND JUSTICE MINISTRY FURTHER COMPLICATES THE SITUATION. BAILEY APPEARS TO BE IN CONSIDERABLE SYMPATHY WITH PRESENT GOVERNMENT, PERSONALLY KNOWS MEMBERS OF PRIMIN STAFF, AND MAY HAVE HAD A HAND IN "UNCOORDINATED" LOS STATEMENTS BY PRIMIN. THERE IS REASON TO BELIEVE THAT SOMEONE IS MAKING ATTEMPTS TO PICUTRE US POSTURE AS ULTRA-RIGHT WING AND MILITARISTIC, AND THAT CASUAL CONVERSATIONS WITH USDEL MEMBERS ARE BEING USED IN THIS CONNECTION.

HANNAH

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW OF THE SEA, FISHERIES, POLLUTION, RESEARCH, WATER BOUNDARIES, DIPLOMATIC DISCUSSIONS, FOREIGN POLICY POSITION, NAVIGATIONAL AIDS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 03 APR 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974SYDNEY00681  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D740074-0338  
**From:** SYDNEY  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19740469/aaaacksm.tel  
**Line Count:** 254  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION DLOS  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 01 JUL 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <01 JUL 2002 by cunninfx>; APPROVED <25 FEB 2003 by GolinoFR>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LOS  
**TAGS:** PBOR, AS, ID, US, RP, NZ, (OXMAN)  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005